

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERNON BESS,
Plaintiff,

v.

ALBERT EINSTEIN HOSPITAL, *et al.*
Defendants.

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CIVIL ACTION NO. 21-CV-4059

ORDER

AND NOW, this 8th day of March, 2022, upon consideration of *pro se* Plaintiff Vernon Bess's Amended Complaint (ECF No. 9), it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum as follows:

- a. Bess's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii); and
 - b. Bess's state law claims will be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
2. Bess is not granted leave to file a second amended complaint in this matter.
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ **Hon. C. Darnell Jones II**

C. DARNELL JONES, II, J.